

REMARKS

Claims 1-20 are pending in the application. The amendment to claim 6 removes a typographical error. The amendment to claim 14 merely sets the claim in dependent format. No new matter has been added.

In the Office Action of October 28, 2008, the Examiner has divided the claims into six (6) groups as follows:

Group I, claim(s) 1-13 and 20, drawn to a polypeptide comprising a W-rich peptide and a conservative variant or functional fragment thereof or a W-rich mimic thereof, a method of preventing inflammation in a subject comprising the steps of providing an inflammation preventing effective amount of the polypeptide according to claim 1 or a W-rich peptide mimic thereof to the subject in need thereof and a pharmaceutical composition comprising the polypeptide according to claim 1 or W-rich mimic thereof.

Group II, claims(s) 14, drawn to a method of treating arthritis in a subject comprising the steps of providing an inflammation preventing effective amount of the polypeptide according to claim 1 or a W-rich peptide mimic thereof to the subject in need thereof.

Group III, claim(s) 15, drawn to a method of treating an auto-immune disease in a subject comprising the steps of providing a therapeutically effective amount of the polypeptide according to claim 1 or a W-rich peptide mimic thereof to the subject in need thereof.

Group IV, claim(s) 16, drawn to method of preventing binding of A β 42 to human neutrophils comprising contacting the neutrophil with the polypeptide according to claim 1 or a W-rich peptide mimic thereof.

Group V, claim(s) 17, drawn to a method of treating Alzheimer's disease comprising administering a therapeutically effective amount of the polypeptide according to claim 1 or a W-rich peptide mimic thereof to the subject in need thereof.

Group VI, claim(s) 18 and 19, drawn to a method of identifying a FPR class receptor antagonist wherein the FPR class receptor is a FPR1 comprising the steps of providing a cell having a FPR class receptor; contacting the cell with a candidate antagonist compound; and identifying the candidate antagonist compound as an antagonist compound if the candidate binds to a FPR class receptor and inhibits its activity.

Applicants submit that there is not an undue burden placed upon the Examiner to search and consider all of the claims.

As to the Examiner's restriction of the claims into the six groups, Applicants submit that all of the claims revolve around the inventive W-rich peptides and their use. Therefore, all of the claims are unified and belong to a single inventive concept. At the least, claim 14 belonging to Group II should be joined to the Group I claims, since "arthritis" recited in claim 14 is caused by "inflammation" in claim 13 and claim 14 has been amended to depend from claim 13.

In any event, Applicants remind Examiner that if the product claims are found to be allowable, the method claims should be joined for further examination on the merits.

Regarding the Examiner's requirement to elect a single sequence species, Applicants traverse this requirement. Applicants submit that all of the claimed subject matter are related through the disclosure of the inventive peptides. The claims are directed to conservative

variants and functional fragments thereof. All of the claimed peptides belong to a family of W-rich peptides, and have common activities such as prevention of inflammation, treatment of an auto-immune disease, prevention of binding of Abeta 42 to human neutrophils, treatment of Alzheimer's Disease, and interaction with FPR as recited in the claims. Therefore, the sequences are so close in structure that they should be examined together.

In particular, at least the peptides with conservative substitutions and fragments should be examined together, as there would be little burden on the Examiner to search and consider these sequences. It would cause undue hardship on the Applicants to be forced to separate patent applications for each of these peptides, when clearly these peptides merely contain conservative amino acid substitutions.

However, in order to be responsive to the outstanding Restriction Requirement, Applicants provisionally elect Group I, claims 1-13 and 20 and SEQ ID NO:4 (WRWWWW), for prosecution on the merits, with traverse. Applicants specifically preserve the right to prosecute the non-elected claims.

Accordingly, early examination on the merits is respectfully requested.

The Commissioner is authorized to charge JHK Law's Deposit Account No. **502486** for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

JHK Law

Dated: November 26, 2008

By: /Joseph Hyosuk Kim/
Joseph Hyosuk Kim, Ph.D.
Reg. No. 41,425

P.O. Box 1078
La Canada, CA 91012-1078
(818) 249-8177 – direct / (818) 249-8277 - fax